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Proposed Revised Criteria and Standards for the Utah Independent Redistricting Commission

Commission Meeting of July 27, 2021

Presented By: Matthew M. Cannon, Shareholder

Roadmap for Presentation

- Revised Criteria and Standards
- Contiguity Analysis

Threshold Criteria

- Utah Code § 20A-20-302(4)
- Five criteria to which the Commission must comply.

Threshold Criteria, Utah Code § 20A-20-302(4)

1. Legislative Redistricting Principles
2. Population Deviation
3. Federal & State Law
4. Single Member Districts & Contiguity
5. Reasonably Compact

Redistricting Standards

- Utah Code § 20A-20-302(5)
- Six considerations for the Commission to use as 'standards' in evaluating their maps

Redistricting Standards, Utah Code § 20A-20-302(5)

1. Communities of Interest
2. Geographic Boundaries
3. Cores of Prior Districts
4. Municipalities and Counties
5. Boundary Agreement
6. Purposeful or Undue Favoring

Redistricting Standards, Utah Code § 20A-20-302(5)

PROPOSED STANDARD 1.

Communities of Interest

The Commission shall, to the extent practicable, preserve communities of interest. A “community of interest” is defined as a group of people in a contiguous geographic area that share common policy interests, whether cultural, religious, social, economic, or others that do not necessarily coincide with the boundaries of a political subdivision. A community of interest cannot be based on a relationship with a political party, particular incumbent, or ~~certain~~ political candidates.

Redistricting Standards, Utah Code § 20A-20-302(5)

PROPOSED STANDARD 2.

Geographic Boundaries

The Commission shall, to the extent practicable, follow natural, geographic, or man-made features, boundaries, or barriers when drawing district boundaries. A “geographic boundary” means natural barriers, such as mountain ranges, significant rivers or large lakes, and other bodies of water. A “man-made” feature refers to prominent aspects of the built or human-designed environment, including streets **and** freeways ~~and census tracts~~. The Commission intends to qualitatively evaluate this standard.

Redistricting Standards, Utah Code § 20A-20-302(5)

PROPOSED STANDARD 4.

Municipalities and Counties

The Commission will, to the extent practicable, submit maps which minimize the division of municipalities and counties across multiple districts. The term “municipality” is defined in [Utah Code § 10-1-104\(5\)](#). The Commission will, to the extent practicable, rely on ~~empirical~~ **quantitative** measurements of division.

Public Input

- Post and circulate draft criteria and standards for public comment.
- Proposed deadline for comments would be Friday, **August 20, 2021.**
- The Commission will review all comments, make any adjustments necessary, and release a final version no later than Wednesday, **September 1, 2021.**

Contiguity

- In 1842, the United States Congress first enacted the requirement for contiguity for congressional districts.
- This was one of the first redistricting requirements established by federal law.
- However, with the enactment of the Apportionment Act of 1929, the requirement expired.
- Nevertheless, all fifty states include this requirement, which requirement for the Commission is contained in the Utah Redistricting Act.

Contiguity

- In short, a contiguous district requires that all parts of the district be connected.
- Typically, this is measured by whether it is possible to travel to all parts of a district without ever leaving it.
- Roads have regularly been used to connect districts, as have rivers, bridges, ferries, and tunnels.
- Some jurisdictions are naturally not contiguous, and states will account for this.

Contiguity

- “Contiguity by water is sufficient if that water is not a serious obstacle to travel within the district.” Redistricting Principles for Legislative districts in Minnesota 1980-2010.
- The Michigan Constitution states: “Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.” Mich. Const. art. IV § 6.13.B.
- “Contiguity by water is acceptable to link territory within a district provided that there is a reasonable opportunity to access all parts of the district and the linkage is designed to meet other criteria stated herein.” South Carolina Senate Judiciary Committee’s Redistricting Subcommittee’s Guidelines.

Contact:

Matthew M. Cannon
Ray Quinney & Nebeker P.C.
36 South State, #1400
Salt Lake City, UT 84111
mcannon@rqn.com
(801) 323-3364